

DEC 16 1999

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Xu *et al.*

Application No.: 09/026,459

Group Art Unit: 1632

Filed: February 19, 1998

Examiner: Shukla, R.

For: MODIFIED RETINOBLASTOMA    Attorney Docket No.: 8660-0025-999  
TUMOR SUPPRESSOR PROTEINS

**ELECTION UNDER 37 C.F.R. § 1.143**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated November 16, 1999, please consider the following election and remarks.

**Election:**

Applicants received a Communication from the Examiner dated November 16, 1999 which contained a requirement for restriction in connection with the application captioned above.

More specifically, the Examiner has required a restriction under 35 U.S.C. § 121 of one of the following inventions:

- |           |   |
|-----------|---|
| Group I   | Claims 1-34, and 36-37 drawn to nucleic acids and host cells expressing them, classified in class 536, subclass 23.5; |
| Group II  | Claim 35, drawn to a protein, classified in class 530, subclass 350;  |
| Group III | Claims 38, 40 and 41-43, drawn to a method of protein therapy, classified in class 514, subclass 2; and               |
| Group IV  | Claims 39-40, drawn to a method of gene therapy, classified in class 514, subclass 44.                                |

Applicants hereby elect to prosecute the invention of Group I, Claims 1-34, and 36-37 drawn to nucleic acids and host cells expressing them.

Applicants reserve their rights to file divisional applications for the non-elected claims, as well as any other matter disclosed in the present application which is not encompassed by the elected claims.

**Conclusion:**

Applicants respectfully request that the above-made election and remarks be made of record in the file history of the instant application.

Respectfully submitted,

Date: December 16, 1999

 40,887  
Atulya R. Agarwal (Reg. No.)

For: Laura A. Coruzzi  
Reg. No.: 30,742

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090